

Interrogation Record

Interrogation under 2018 United States Assistance Trade Secrets Case No. 1, at 09:12 AM on January 29, 2019, in Investigation Room No. 15, Taiwan Taichung District Prosecutors Office, personnel in attendance as follows:

Prosecutor: CHEN Liwei Clerk: CHEN Yiching

Those present as follows:

Roll Call: Present

Prosecutor requested the name, age, address, and National Identification Number

Witness response:

LO Hero

Male 52 years of age [REDACTED]

National Identification Number: No. [REDACTED]

Established Registration: [REDACTED]
[REDACTED]

Contact Telephone Number: [REDACTED]

Prosecutor stated the obligations of an affidavit and the penalty for perjury.

Prosecutor advised as to the provisions of Article 180, Section 1, and Article 181 of the Code of Criminal Procedure.

Article 180, Section 1, of the Code of Criminal Procedure stipulates that: "A witness may refuse to testify under one of the following circumstances: (1) Currently or formerly being the spouse, lineal blood relative, collateral blood relative within the third degree of kinship, relative by marriage within the second degree of kinship, head of household, or dependent of the defendant or private prosecutor. (2) Being betrothed to the defendant or private prosecutor. (3) Currently or formerly being the statutory agent of the defendant or private prosecutor, or where the defendant or private prosecutor currently or formerly served as one's statutory agent."

Article 181 of the Code of Criminal Procedure stipulates that: "The witness may refuse to testify if the testimony may subject himself or a person having a relationship to him as in Section 1 of the preceding article to criminal prosecution or punishment."

Question: Your educational background?

Answer: Institute of Industrial Engineering, Chiao Tung University.

Question: Where do you currently work? How long have you worked there?

Answer: I work at Fujian Jinhua Integrated Circuit Co., Ltd. (referred to below as Jinhua Co.), I started working at that company in November 2016 under the Western calendar.

Question: Before you went to work at Jinhua Co., where did you work?

Answer: Taiwan Micron Inc.

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Question: Why did you leave Taiwan Micron Inc.? How long did you work at the former company?

Answer: I held a position at the predecessor company to Taiwan Micron Inc., Rexchip Electronics Corporation, from August 2013 under the Western calendar until retiring from Taiwan Micron Inc. in October 2016.

Question: What was your job title at the former company? What were the contents of your work at the former company?

Answer: My job title at Taiwan Micron Inc. was Head of the Manufacturing Division. I was responsible for management of the production line operators, as well as the factory's chip input and output, personnel training and recruitment, and production management.

Question: You mentioned a moment ago that you took a position at Jinhua Co. in November 2016, by what means did you come to work at Jinhua Co.?

Answer: Because I had retired from Taiwan Micron Inc., after retiring, I wanted to look for a job, and CHEN Chengkun had previously been my superior at Taiwan Micron Inc., so I took the initiative to seek him out to see whether there were job opportunities, before I retired I knew that CHEN Chengkun was working at the Southern Taiwan Science Park of United Microelectronics Corporation, serving as the Vice President.

Question: Please explain whether you had received an interview before taking the position at Jinhua Co.? If so, when was the interview? Who interviewed you (please say this person's name and their job title)? Was it CHEN Chengkun who interviewed you? Was it WU Kun who interviewed you? Where did the interview take place? In applying for an interview at this new company, what was the job title? During the interview, how did the interviewer introduce your job position? Who provided you with the job package or employment package (employment package)?

Answer: There was, my impression is that I first used line to contact KUO Peishan, I sent my resume materials to KUO Peishan through line, and asked her to hand over my resume to CHEN Chengkun to look at it, later KUO Peishan made contact with me to go to the Southern Taiwan Science Park of United Microelectronics Corporation for an interview, around the time of September 2016 I went to the Southern Taiwan Science Park of United Microelectronics Corporation for an interview with CHEN Chengkun, the discussions were in the interview area within United Microelectronics Corporation, and at the time, the people present included myself, KUO Peishan, and CHEN Chengkun. At the time I hoped to serve as the supervisor of the Manufacturing Department, which was similar to my work at Taiwan Micron Inc. CHEN Chengkun said to me, Jinhua Co. is in Fujian Province, during the interview he didn't very clearly explain how much the salary was, during the interview I knew that I could go to Jinhua Co. to serve as the supervisor of the Manufacturing Division, but the formal offer wasn't signed until I got to Jinhua Co..

Question: Before your interview with CHEN Chengkun, had you heard of Jinhua Co.?

Answer: I had learned about it from a newspaper or magazine.

Question: Before you accepted the new job, were you acquainted with the people at Jinhua Co.?

Answer: No.

Question: After you took the position at Jinhua Co., what was the name of the department you belonged to?

Answer: The department I belonged to was the Manufacturing Technology Division, I served in the position of Director.

Question: Please explain what the job contents are for the Director of the Manufacturing Division?

Answer: Primarily responsible for recruitment of engineers of Mainland nationality (namely, the People's Republic of China), training manufacturing personnel, and allowing these personnel to be able to engage in chip production, for instance, allowing them to see and understand the system, and understand how to operate the machines.

Question: Please explain whether special projects were assigned to you while serving as Director of the Manufacturing Technology Division at Jinhua Co.?

Answer: It's just that, as I said a moment ago, in my current phase of work, I'm just responsible for recruitment and training of manufacturing personnel.

Question: Please explain what the management organization at Jinhua Co. is? And the reporting level above you. Say the name of the manager for each reporting level above you?

Answer: Above the Manufacturing Technology Division, there is a Deputy Chief Operating Officer, WU Kunrong, he is my direct superior, and below the Deputy Chief Operating Officer, mainly three units have been established, which are the Process Technology Division (the director is YING Tsunghua, of Taiwanese nationality), the Process Integration Department (the director is CHEN Huihuang, of Taiwanese nationality), and the Manufacturing Technology Division; that is to say, these three units are all supervised by people of Taiwanese nationality.

Question: In holding your position at Jinhua Co., do you have to be responsible for DRAM technology processes?

Answer: No, I am not responsible for processes, I am only responsible for production.

Question: How many people are members of the Manufacturing Technology Division at Jinhua Co., to which you belong?

Answer: In total there are 260 people, including the operators, and 4 departments have been established below the Manufacturing Technology Division, which are respectively the Manufacturing Department, Production Control Department, Manufacturing Systems Department, and Industrial Engineering Department.

Question: The supervisors of the Manufacturing Department, Production Control Department, Manufacturing Systems Department, and Industrial Engineering Department are of Taiwanese nationality or Mainland nationality?

Answer: Currently they are all of Taiwanese nationality.

Question: The names of those serving as supervisors of the 4 departments?

Answer: The supervisor of the Manufacturing Department is HSU Tunhao, the supervisor of the Production Control Department is SU Chienyu, the supervisor of the Manufacturing Systems Department is PAN Chengtsung, and the supervisor of the Industrial Engineering Department is LI Chinyu.

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Question: What do you know about the research, development and technical capabilities of the DRAM developed by United Microelectronics Corporation (referred to below as United Microelectronics Corporation) between 2015 and 2017 under the Western calendar?

Answer: I have no knowledge whatsoever about the technical capabilities of the DRAM developed by United Microelectronics Corporation.

Question: Address of the headquarters of Jinhua Co.?

Answer: The headquarters are at No. 88 Lianhua Avenue, Integrated Circuit Science Park, Jinjiang City, Fujian Province, and Jinhua Co. doesn't have other branch companies.

Question: Which people contributed capital to Jinhua Co.?

Answer: I only know that, among the big financers, there was the Jinjiang Municipal Government in Fujian Province, as well as the Fujian Electronics and Information Group.

Question: Which individuals are the responsible personnel at Jinhua Co.?

Answer: The board chair is a person of Mainland nationality, LU Wensheng.

Question: Under the board chair of Jinhua Co., has a president been installed?

Answer: Yes, one president, that's CHEN Chengkun, and below the president there are the vice presidents, in total there are 4 or 5 vice presidents.

Question: What products is Jinhua Co. currently producing?

Answer: At present, we still aren't producing products.

Question: Does Jinhua Co. itself have the technology to manufacture DRAM?

Answer: I'm not very sure about this area.

Question: What do you know about the technology contract agreement between United Microelectronics Corporation and Jinhua Co.?

Answer: I've heard that these two companies have signed a technology contract agreement, but I'm not sure about its actual content.

Question: Have you ever discussed the contents of the provisions of this agreement with colleagues at United Microelectronics Corporation or Jinhua Co.?

Answer: No.

Question: What connection is there between the job you hold at Jinhua Co. and the special project established under the technology contract agreement between United Microelectronics Corporation and Jinhua Co.?

Answer: No connection, at Jinhua Co. I am responsible for production.

Question: You have stated that you are responsible for production at Jinhua Co., but you have also stated that products are still not being produced at present, is there a contradiction?

Answer: No contradiction, the Jinhua Co. production lines are currently doing process testing,

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and furthermore, because it was subjected to the ban by the United States Department of commerce, Jinhua Co.'s production lines are shut down, and the machines at Jinhua Co. which were imported from the United States, because there is no support from manufacturers, and also there is a lack of materials, they are unable to operate.

Question: What do you know about the F32 Nanometer Design Services Agreement (F32nm Design Services Agreement) signed between United Microelectronics Corporation, UMI Company and Jinhua Co.?

Answer: I'm not sure about this matter, and in my work at Jinhua Co. there is also no contact with the UMI Company of Japan.

Question: Do you have other statements?

Answer: No.

Question: The matters in the prosecutor's interrogation today are classified as confidential matters which cannot be publicly divulged, is that clear?

Answer: Yes.

Notice was given of invitation to return.

10:11 AM, January 29, 2019

This record has been reviewed as error-free, and is signed below:

Subject of Interrogation: [Signature: LO Hero]

Clerk: [Signature: CHEN Yiching]

Prosecutor: [Signature: Chen Liwei]

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Witness Oath (Before Interrogation)

I appear now in this office as a witness in 2018 United States Assistance Trade Secrets Case No. 1, Defendant: Not Stated, and shall give testimony in accordance with the facts, without concealment, qualification, addition or diminishment.

Witness: [Signature: LO Hero]

January 29, 2019

1. The witness shall be asked to read this oath aloud. For those who cannot read it aloud, the clerk shall read it aloud, and shall explain its significance, if necessary.
2. Article 168 of the Criminal Code stipulates that: A witness, expert witness, or interpreter who, during a trial before a government office discharging judicial functions or during interrogation before a prosecutor, who makes a false statement on a matter material to the case, before or after providing an affidavit, shall be sentenced to a fixed term of imprisonment for not more than seven years.
3. Article 180 of the Code of Criminal Procedure stipulates that: A witness may refuse to testify under one of the following circumstances:
 - (1) Currently or formerly being the spouse, lineal blood relative, collateral blood relative within the third degree of kinship, relative by marriage within the second degree of kinship, head of household, or dependent of the defendant or private prosecutor.
 - (2) Being betrothed to the defendant or private prosecutor.
 - (3) Currently or formerly being the statutory agent of the defendant or private prosecutor, or where the defendant or private prosecutor currently or formerly served as one's statutory agent.

One who has a relationship as in the preceding section with one or more individuals among the joint defendant or private prosecutors may not refuse to testify where serving as a witness on matters relating only to other joint defendant or other joint private prosecutors.

4. Article 181 of the Code of Criminal Procedure stipulates that: The witness may refuse to testify if the testimony may subject himself or a person having a relationship to him as in Section 1 of the preceding article to criminal prosecution or punishment.
5. Article 183 of the Code of Criminal Procedure stipulates that: A witness who refuses to testify shall clearly state the reasons for the refusal. However, under the circumstances in Article 181, [he or she] shall be ordered to make an affidavit in lieu of giving a clear

Note: For those providing an affidavit in advance, the words "have" and "did not" shall be deleted; for those subsequently providing an affidavit, the words "shall" and "without" shall be deleted.

